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90-11-3-07235

March 29, 2001

Office of the Clerk of the Court  
United States District Court  
District of Wyoming  
2120 Capitol Ave #2131  
Cheyenne, WY 82001

Re: U.S. v. Johnson 01-CV-005

Dear Clerk,

Enclosed for filing is the original and one copy of the United States' Motion to Enter Consent Decree. Thank you for your attention to this matter.

Sincerely,

Environment and Natural Resources  
Division

By: 

David L. Dain  
Environmental Enforcement Section

cc R. Mark Johnson  
Carol Statkus, Esq.  
Wendy Silver, Esq.

**DAVID L. DAIN**  
**Environmental Enforcement Section**  
**U.S. Department of Justice**  
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**CAROL STATKUS**  
**Assistant U.S. Attorney**  
**District of Wyoming**  
**2120 Capitol Avenue**  
**Cheyenne, Wyoming 82001**  
**(307) 772-2124**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**RELAND MARK JOHNSON**

**Defendant.**

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) **Civil Action No. 01-CV-005**  
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**MOTION TO ENTER CONSENT DECREE**

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Plaintiff, the United States of America ("United States"), at the request of the Administrator of the Environmental Protection Agency, respectfully moves for entry of the consent decree in the above-captioned case and as a basis therefore states as follows:

1. The underlying Complaint was filed against Defendant on January 5, 2001, alleging claims under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a). The claims arise from releases and threats of releases of hazardous substances at the R. J. Refinery Site in La Barge, Lincoln County, Wyoming ("the Site").

2. Also on January 5, 2001, the United States lodged the proposed Consent Decree signed by the United States and Defendant. Notice of the filing of this Consent Decree was published in the Federal Register on February 20, 2001. The Notice described the proposed Consent Decree and invited the public to comment on the proposed Consent Decree. A thirty day public comment period was provided and the comment period expired on March 22, 2001. No comments were received.

3. The United States believes that the proposed Consent Decree is fair, reasonable, and consistent with the policies and goals of CERCLA. See United States v. ASARCO, Inc., 814 F. Supp. 951, 954 (D.Colo. 1993)

WHEREFORE, the United States respectfully requests that the Court sign and enter the proposed Consent Decree.

Respectfully submitted,

WALKER SMITH  
Deputy Section Chief  
Environmental Enforcement Section  
Environment and Natural Resources  
Division



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OF COUNSEL:


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Office of Enforcement, Compliance and  
Environmental Justice  
U.S. EPA, Region VIII  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2001 true and correct copies of the foregoing Motion to Enter Consent Decree, was served by regular mail on the addresses listed below.

Reland Mark Johnson  
295 Chipeta Way  
Mail Stop 2B2  
Salt Lake City, Utah 84108

Reland Mark Johnson  
5035 Harold Gatty Dr.  
Slat Lake City, UT 84116

A handwritten signature in black ink, appearing to read "R. Mark Johnson", is written over a horizontal line.